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March 16, 2007

## VIA E-MAIL

James Geddes, Esquire  
Ashby & Geddes  
500 Delaware Avenue  
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Re: **PSC Docket No. 06-241**

Dear Jim:

I write as a follow-up to our brief telephone conversation towards the end of the business day today, Friday March 16, 2007. I noted in that call that my client NRG and this firm were today reviewing the March 13, 2007, Staff memorandum ("Staff Memo") posted March 14, 2007 on the Delaware Public Service Commission ("Commission") website outlining Staff's recommendations for the release (and withholding) of certain information which NRG had designated as confidential or proprietary in its response to public bid proposals in this matter. As I informed you, in undertaking this review, it became clear there was a significant problem.

The Staff Memo and Table A attached thereto purported to identify documents Staff was recommending be released by the Public Service Commission ("Commission") (DEPSC Nos. 39-72). Specifically, the Staff Memo and Attachment A identified certain documents NRG maintains are confidential. However, a set of documents which was Federal Expressed by Staff directly to my client, Caroline Angoorly, Senior Vice President for NRG, seems to consist of earlier – and not the most recent – redacted versions of some or all of the Table A, NRG-referenced documents.

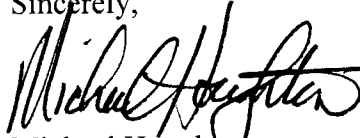
For example, in NRG's February 26, 2007, third redacted bid proposal submission, DEPSC Nos. 43 and 48 from Table A (consisting of a Consumer Price Index or "CPI" table) were unredacted by NRG, but are shown on Table A of the Staff Memo (and we believe in the document forwarded to Ms. Angoorly) as still being designated by NRG as confidential information. This despite the fact that NRG had already released that information to the public in its February 26, 2007 submission. Additionally, working by teleconference with our client today, we were unable to determine which portions of

DEPSC No. 71, a "Presentation on Repowering," were proposed for release by Staff since the version which was forwarded to Ms. Angoorly seems to be different than the version contained in NRG's February 26 third redacted bid proposal. Finally, the identity of several of NRG's potential vendors were unredacted from the Table of Contents in NRG's most recent public bid proposal, yet in DEPSC No. 69 of Table A Staff identified the redaction of these specific vendors and recommended the "release" of the potential vendors' names from the Table of Contents.

NRG understands from personal experience how difficult it can be to review, describe, and appropriately disseminate the redacted information involved in this proceeding. NRG is, however, faced with a Commission proceeding on Tuesday, March 20, 2007, where Staff is pressing public release of information and NRG is faced with a confused and conflicting record about what Staff proposes for release. The Company has been working diligently for days in its most recent attempt to further analyze material and to address what Staff contends is NRG's legal burden to demonstrate the propriety of maintaining the confidentiality of this information. To do so, NRG is entitled to a record upon which it can offer reasoned argument. However, we are seriously prejudiced, under the present circumstances and in the face of conflicting information, in our ability to properly address these matters before the Commission on Tuesday, March 20.

In light of the foregoing, it is inappropriate at this time for the Commission to assess or rule on the potential release of NRG's designated confidential information. NRG has made repeated efforts to further review and articulate the basis for maintaining the confidentiality of its redacted information. When faced with the argument that it ultimately bears the burden of demonstrating the bases for confidential treatment, it must in all fairness be afforded the opportunity to do so. Since NRG cannot now do so, in light of the confused state of the record, NRG respectfully request that Staff withdraw its request that its recommendations regarding confidentiality be considered at the March 20 Commission meeting and further request that any such Commission review be delayed until the record is clarified and the matters discussed above are adequately addressed.

Sincerely,



Michael Houghton

MH/wof

Cc: Interested Parties in PSC Docket No. 06-241